

Honorable Judge Benjamin Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLYDE RAY SPENCER,

Plaintiff,

v.

DETECTIVE SHARON KRAUSE, and
SERGEANT MICHAEL DAVIDSON,

Defendants.

No. C11-5424BHS

**PARTIES' PROPOSED
LIMITING INSTRUCTIONS
AND DEFINITION OF ALFORD
PLEA, WITH OBJECTIONS**

**TRIAL DATE:
January 7, 2014**

Now come the parties, by and through their respective attorneys, and hereby submit proposed limiting instructions and an instruction concerning the definition of an *Alford* plea. In support thereof, the parties state as follows:

1. The parties have agreed to an instruction with regard to the former party status of witnesses, should this Court admit such evidence. *See* Exhibit A.

2. As to the remaining proposed limiting instructions, the parties have not been able to come to any final agreement despite conferring in good faith. However, most of the wording for each instruction has been agreed to. The disputed portions of each instruction have been underlined, with objections and responses to objections below each proposed instruction. *See* Exhibits B-F.

PARTIES' PROPOSED LIMITING
INSTRUCTIONS AND DEFINITION OF ALFORD
PLEA, WITH OBJECTIONS (C11-5424BHS) — 1

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3. The parties have been unable to reach an agreement with regard to the definition of an *Alford* instruction. Therefore, both sides have submitted a proposed instruction with objections from the opposing party and responses thereto. *See* Exhibits G-H.

Respectfully submitted

On Behalf of Plaintiff Spencer:

/s/ Kathleen T. Zellner
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On Behalf of Defendant Krause:

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On Behalf of Defendant Davidson:

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Index to Proposed Instructions

Exhibit A – Proposed Limiting Instruction: Evidence of Status as Former Party

Exhibit B – Proposed Limiting Instruction: Evidence of Alleged Information Gathered by Sharon Krause

Exhibit C – Proposed Limiting Instruction: Evidence of Children’s Interviews

Exhibit D – Proposed Limiting Instruction: Evidence of Defendant Davidson’s Alleged Jail Visits

Exhibit E – Proposed Limiting Instruction: Evidence of Medical Examination and Report

Exhibit F – Proposed Limiting Instruction: Evidence of Videotaped Interview

Exhibit G – Plaintiff’s Proposed Instruction re Definition of Alford Plea

Exhibit H – Defendant’s Proposed Instruction re Definition of Alford Plea